

Carlos Hernández
Mayor

Vivian Casáls-Muñoz
Council President

Jose F. Caragol
Council Vice President



Council Members
Katharine Cue-Fuente
Isis Garcia-Martinez
Paul B. Hernández
Lourdes Lozano
Carl Zogby

City Council Agenda June 12, 2018 7:00 P.M.

Call to Order

Roll Call

Invocation given by Lisette Perez, Office Coordinator of the Office of the City Clerk

Pledge of Allegiance to be led by Councilwoman Isis Garcia-Martinez

MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

PRESENTATIONS

- Presentation by Mayor Hernandez of a Certificate of Appreciation to the following volunteers of the organization La Liga contra El Cancer for their efforts and contributions.

1. Gabriela Gonzalez
2. Jesus Hechavarria
3. Jessenia Hechavarria
4. Micah G. Vazquez
5. Victoria Vazquez
6. Claudia Quintana

1. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

2. CONSENT AGENDA

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A. Request permission to approve the minutes of the City of Hialeah Council Meeting held on May 22, 2018. (OFFICE OF THE CITY CLERK)
- B. Request permission to cancel the upcoming July 10, 2018 and July 24, 2018 City Council meetings for summer recess, pursuant to §3.01 of the City Charter. (OFFICE OF THE CITY CLERK)
- C. Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Zoll Medical Corporation., sole source vendor, for a three (3) year extended warranty contract commencing on May 1, 2018 through April 30, 2021 for auto-pulse equipment (Automatic CPR Machine) and battery replacement for the aforementioned equipment, for three (3) payments to be invoiced yearly at \$23,800 for a total cumulative amount not to exceed \$71,400.00. (FIRE DEPT)
- D. Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-30, issued to Bull Motors, LLC., to purchase Ford parts and accessories, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (FLEET AND MAINTENANCE DEPT.)

- E.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-1321, issued to Eureka Farms LLC, to purchase Green Island Ficus Plants to replace landscaping throughout the City, by an additional amount of \$31,500, for a new total cumulative amount not to exceed \$69,000. (STREETS DEPT.)
- F.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to SRS Engineering, Inc., vendor providing the lowest quotation, for the design project of Roadway and Drainage Improvements for West 21st Court between West 56th Street and West 60th Street, in a total cumulative amount not to exceed \$36,779.06. (STREETS DEPT.)
- G.** Proposed resolution strongly urging the Miami-Dade County Public School Board and the Department of Transportation and Public Works of Miami-Dade County to install signalization at the appropriate perimeter roads at the Westland Hialeah High School. (ADMINISTRATION)
- H.** Proposed resolution authorizing the transfer of unencumbered appropriation balance or a portion thereof between classifications of expenditures within an office or department within the general fund; within the special revenue funds, in particular, fire rescue fund, parks grants and impact fees fund, urban area security grant fund, police grant fund, affordable housing fund, building division fund; within the capital funds in particular, Hialeah Educational Academy Charter School expansion fund; and within enterprise funds, in particular, public works fund-Solid Waste and Water & Sewer as summarized and itemized in the schedule attached as Exhibit “1B” and made a part hereof; and providing for an effective date. (OFFICE OF MANAGEMENT BUDGET DEPT)
- I.** Request permission to waive competitive bidding, since it is advantageous to the City, and increase purchase order #2018-1407, issued to Trane U.S. Inc., to replace the existing Advantix dehumidifiers that are malfunctioning at the Milander Center, by an additional amount of \$16,909 for a new total cumulative amount not to exceed \$165,481. (CONSTRUCTION AND MAINTENANCE DEPT.)
- J.** Request permission to utilize Florida Sheriffs Association & Florida Association of Counties Bid No. FSA17-VEL 25.0 – 2018 Chevy Express 2500 Cargo Van –CG23405 Specification #34, and issue a purchase order to AN Motor of Pembroke, LLC., to purchase one (1) 2018 Chevrolet Express 2500 Cargo Van, in the amount of \$24,594. Further request permission to utilize Florida Sheriffs Association & Florida Association of Counties- Mid-Size 4-Door Utility Vehicles- 4x2 Specification #27, to purchase one (1) 2018 Chevrolet Traverse, in the amount of \$30,211 from AutoNation Chevrolet of Pembroke, doing business as AN Motors of Pembroke, LLC. The total amount of the expenditure for two (2) vehicles is \$54,805. (BUILDING DEPT.)
- K.** Proposed resolution ratifying and approving supplemental appropriations to the annual budget for fiscal year 2017-2018 and in particular revising the budget to supplement revenues within the special revenue funds, in particular, Community Development Block Grant (CDBG) fund, Law Enforcement Trust Fund (LETf)-State, Emergency Solution Fund, Home Investment Partnership Program Fund, Police Grant Fund, State Housing Initiative Program Fund, Emergency Medical Services (EMS) Fund And ECS, library and special events fund; and within the capital funds in particular, Hialeah Educational Academy

(HEA) Charter School Expansion fund and parks project fund as summarized and itemized in the schedule attached as Exhibit “1A” and made a part hereof. (OFFICE OF MANAGEMENT BUDGET DEPT)

3. ADMINISTRATIVE ITEMS

- 3A. Second reading and public hearing of proposed ordinance amending Chapter 98, “Zoning”, Article VI, entitled “Supplementary District Regulations”, Division 5 entitled “Uses”, Subdivision VIII, entitled “Assisted Living Facilities” §§ 98-1956 and 98-1957, to require compliance with the distance separation in Sections §§ 98-1989 and 98-1990 as applicable; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in code; and providing for an effective date. (ADMINISTRATION)

Item was approved by the City Council on first reading on May 22, 2018.

- 3B. First reading of proposed ordinance amending Hialeah, Fla Ordinance 2018-008 (January 23, 2018) that granted a variance permit pertaining to pervious area location of a dumpster enclosure, and waived a portion of the City of Hialeah landscape manual requirements updated July 9, 2015 to provide for correction of the omission of the parking setback of 5 feet, where 55 feet is the minimum required; contra to Hialeah Code Of Ordinances §§98-641(g); **Property located at 336 East 6th Street, Hialeah, Florida**; property zoned R-3-D (Multifamily District). Providing penalties for violation hereof; providing for a severability clause; repealing all ordinances or parts of ordinances in conflict herewith; and providing for an effective date. (ADMINISTRATION)
- 3C. First reading of proposed ordinance amending HIA., Fla. Ordinance 2018-046 (May 22, 2018) that granted a variance permit pursuant to Hialeah Code of Ordinance § 98-2233 partially waiving the minimum landscape requirements to amend the number of viable trees, shrubs and landscaping acceptable to the City to be provided on the adjacent 30 acres of land and dedicated as a public park. Property located within the Hialeah Heights annexation area bounded on the west by NW 107 Avenue, on the North by NW 170 Street, on the East by NW 97 Avenue, and on the South by NW 154 Street; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)
- 3D. First reading of proposed ordinance approving a master equipment lease/purchase agreement with Banc of America Public Capital Corp, as lessor, and the City, as lessee, and separate schedules thereto, for the acquisition, purchase, financing and leasing of certain equipment as described herein; authorizing certain other documents required in connection therewith; authorizing all other actions necessary to the consummation of the transactions contemplated by this ordinance; authorizing the Mayor and City Clerk, as attesting witness, to execute the master equipment lease/purchase agreement and all necessary documents on behalf of the City; repealing all ordinances or parts of

ordinances in conflict herewith; providing for penalties for violation hereof; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

4. BOARD APPOINTMENTS

5. UNFINISHED BUSINESS

6. NEW BUSINESS

- General discussion on Assisted Living Facilities throughout the City.
(At the request of Councilman Paul Hernandez.)

7. COMMENTS AND QUESTIONS

ZONING

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision Item

Attention Applicants:

- Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

PZ 1. Second reading and public hearing of proposed ordinance rezoning Lot 6 from R-1 (One Family District) to R-2 (One-And Two-Family Residential District); permit to

allow a duplex on lot 6, a substandard lot, with width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are required; allow a 5.1 foot side setback, where 7.5 feet are required; allow 39.9% lot coverage, where 30% is the maximum allowed; and granting a variance permit to allow for an existing single family to remain on substandard lot 7, with a width of 50 feet and area of 5,000 square feet, where 75 feet and 7,500 square feet are required; all contra to Hialeah Code Of Ordinances §§ 98-499, 544, 546, and 98-2056(b)(2) **Property located at 4811 east 9th lane, Hialeah. Zoned R-1 (One-Family District).**

<i>Item was approved as amended by the City Council on May 8, 2018. Second reading and public hearing is scheduled for June 12, 2018.</i>
<i>Item was approved as amended by the Planning and Zoning Board on March 14, 2018.</i>
<i>Registered Lobbyist: Albert Gonzalez, 16400 NW 59 Avenue, Miami Lakes, Florida.</i>
<i>Planner's Recommendation: Denial.</i>
<i>Owner of the Property: Cesar Fabal, 4811 East 9 Lane, Hialeah, FL 33013.</i>

PZ 2. Second reading and public hearing of proposed ordinance vacating and abandoning for public use all of the 12 foot alley lying in Block 8E (Plat Book 9-11), bounded on the East by the East line of said Block 8E and bounded on the West by the West line of lot 23 prolonged until it intersects with the West line of lot 11, located on the Eastern portion of the block bounded by East 9th Street to the South, East 5th Avenue to the East, East 10th Street to the North and East 4th Avenue to the West, Hialeah, Florida, and more particularly described in the legal description and location sketch attached hereto and made a part hereof as Exhibit "A"; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved on first reading by the City Council on May 22, 2018. Second reading and public hearing is scheduled for June 12, 2018.</i>
<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Planner's Recommendation: Approval with Conditions.</i>
<i>Owner of the Property: Neliber Garcia Gonzalez, 04-3117-011-1300, Gonzalo Martin & W Aleida, 04-3117-011-1290, Isabel Fernandez, 04-3117-011-1280, Silverio Reyes & Alina C Lopez, 04-3117-011-1271, Torre Victoria, LLC, 04-3117-1310, 04-3117-011-1320, 04-3117-011-1330 and 04-3117-011-1340.</i>

- PZ 3.** Second reading and public hearing of proposed ordinance granting a conditional use permit (CUP) pursuant to Hialeah Code of Ordinances § 98-181 to allow the restaurant located within the artist live/work overlay (ALWOD) district to sell, offer for sale, deliver, and serve or permit the consumption of alcoholic beverages; property zoned M-1 (Industrial District); **Property located at 1000 East 16 Street, Hialeah, Florida;** repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

Item was approved on first reading by the City Council on May 22, 2018. Second reading and public hearing is scheduled for June 12, 2018.

Item was approved by the Planning and Zoning Board on May 9, 2018.

Planner's Recommendation: Approval.

Registered Lobbyist: Valerie Haber, 333 SE 2 Avenue, Miami, FL. 33131

Owner of the Property: Kirk Lazarus, Manager- 1501 East 10th Avenue, Hialeah, FL 33010

- PZ 4.** Second reading and public hearing of proposed ordinance approving a final plat of Adis Subdivision; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinance or parts of ordinance in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 491 East 11th Street, Hialeah, Florida.**

Item was approved on first reading by the City Council on May 22, 2018. Second reading and public hearing is scheduled for June 12, 2018.

Item was approved by the Planning and Zoning Board on May 9, 2018.

Planner's Recommendation: Approval.

Owner of the Property: Bernardino N. Rodriguez and Adis Rodriguez, 491 East 11th Street, Hialeah, Florida.

- PZ 5.** Second reading and public hearing of proposed ordinance approving a final plat of Amelia Mixed Use Development; accepting all dedication of avenues, streets, roads or other public ways, together with all existing and future planting of trees; repealing all ordinance or parts of ordinance in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. **Property located at 7755 West 4th Avenue (Red Road) Hialeah, Florida.**

Item was approved on first reading by the City Council on May 22, 2018. Second reading and public hearing is scheduled for June 12, 2018.

<i>Planner's Recommendation: Approval.</i>
<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Owner of the Property: Hialeah 7.65 LLC, 7755 West 4th Avenue, Hialeah, Florida 33014.</i>

- PZ 6.** First reading of proposed ordinance rezoning from R-1 (One- Family Residential District) to R-3-5 (Multiple Family District); and granting a variance permit to allow an interior south side setback of 7.4 feet, where 10 feet are required; allow a street side setback of 12.4 feet, where 15 feet are required; allow a pervious area of 22.5%, where 30% is required; allow 37 parking spaces, where 39 parking spaces are required; and allow 32.14% lot coverage, where 30% is required; all contra to §§ 98-590, 98-2056(b)(1) and (b)(2), 98-2189(19)b. **Property located at 4597 And 4599 Palm Avenue, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 23, 2018.</i>
<i>Planner's Recommendation: Approval with Conditions.</i>
<i>Registered Lobbyist: Manny Reus, Architect, 18501 Pines Blvd, #342, Pembroke Pines, FL 33029.</i>
<i>Owner of the Property: Roberto C. Gonzalez, Revocable Trust, 14500 Lake Crescent Place, Miami Lakes, Florida. 33014.</i>

- PZ 7.** First reading of proposed ordinance rezoning from R-1 (One Family Residential District) to R-3-5 (Multiple Family District); and granting a special use permit (SUP) pursuant to Hialeah Code Of Ordinances § 98-1630.8 to allow the expansion of the neighborhood business overlay district for the construction of a new 35-unit multifamily residential building; and granting a variance permit to allow only residential uses, where a vertical mix of uses is required; allow all residential units to have an area less than 850 square feet, where only 10% of the units may have a floor area of less than 850 square feet; allow front setback of 5 feet, where 10 feet are required; allow east and north side setbacks of 10 feet, where 15 feet are required; allow a pervious area of 16.8%, where 30% is required; and allow 40 parking spaces, where 79 parking spaces are required; all contra to §§ 98-1630.2, 98-1630.3(e)(1) and 98-1630.3(e)(2) 98-2056(b)(1) and 98-2189(19)b. **Property located at 701 East 4th Avenue And 421 East 7th Street, Hialeah, Florida;** repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 23, 2018.</i>
<i>Planner's Recommendation: Approval subject to a submittal of a parking management plan</i>

<i>and development schedule as proffered by applicant.</i>
<i>Registered Lobbyist: Alejandro Vilarello, P.A., 16400 NW 59 Avenue, Miami Lakes, Florida.</i>
<i>Owner of the Property: Babcock Apartments, LLC, 16400 NW 59 Avenue, Miami Lakes, Florida. 33134</i>

PZ 8. First reading of proposed ordinance allowing for the replatting of lot 8 into two substandard lots: lot 1 with a frontage of approximately 60 feet, depth of 73.27 feet and an area of 4,396 square feet; and lot 2 with a frontage of 65 feet; depth of 60 feet; and an area of 3,900 feet; where a frontage for each lot is required of 75 feet; a depth of 100 feet is required; and an area of 7,500 square feet is required; and to permanently consolidate lot 2 with lot 10 on the east side of lot 2; all contra to Hialeah Code of Ordinances §§ 98-779, 98-781(1) and 98-2188(a)b.; **Property located at 22 west 42 street, Hialeah, Florida.** Property zoned RO (residential office). Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 23, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Registered Lobbyist: Ceasar Mestre Jr. Esq., 7600 West 20 Avenue, #200, Hialeah, Florida. 33016.</i>
<i>Owner of the Property: Roberto Correa, 22 West 24 Street, Hialeah, Florida. 33016.</i>

PZ 9. First reading of proposed ordinance granting a special use permit (SUP) to allow the expansion of the neighborhood business overlay district pursuant to Hialeah Code of Ordinances § 98-1630.8 to allow the development of a new 212-unit multifamily residential development; and granting a variance permit to allow 330 parking spaces, where 494 parking spaces are required; allow a front setback of 3.4 feet, where 10 feet are required for the balconies encroaching into the front setback of proposed building 11; and allow 26.5% pervious area, where 30% is required; contra to Hialeah code §§ 98-2056(b)(1), 98-2189(16)a., 98-1630.3(e)(1). Property zoned M-1 (Industrial District). **Property located at 7755 West 4th Avenue, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date

<i>Item was approved by the Planning and Zoning Board on May 23, 2018.</i>
<i>Planner's Recommendation: Approval subject to a submittal of a parking management plan and development schedule as proffered by applicant.</i>
<i>Registered Lobbyist: Alejandro Vilarello, P.A., 16400 NW 59 Avenue, Miami Lakes, Florida</i>

<i>Owner of the Property: Hialeah 7.65 LLC, 16400 NW 59 Avenue, Miami Lakes, Florida.33014.</i>

- PZ 10.** First reading of proposed ordinance granting a special use permit (SUP) to allow the expansion of the neighborhood business district overlay pursuant to Hialeah Code Of Ordinances § 98-1630.8 to allow the development of a new 28-unit multifamily residential building; and granting a variance permit to allow 23 parking spaces, where 67 parking spaces are required; allow an area of 18,649 square feet, where 20,000 square feet is the minimum site area required; and allow all units to have less than 850 square feet, where only 10% of the units may have less than 850 square feet; contra to Hialeah code §§ 98-1630.8, 98-2189(16)a., and 98.1630.2. Property zoned C-2 (Liberal Retail Commercial District). **Property located at 497 And 499 West 23 Street, Hialeah, Florida.** Repealing all ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 23, 2018.</i>
<i>Planner's Recommendation: Approval subject to a submittal of a parking management plan and development schedule as proffered by applicant.</i>
<i>Owner of the Property: Sun Holdings, Inc., 8180 NW 36 Street, #100-J, Doral, Florida 33166.</i>

FINAL DECISION

- FD 1.** Proposed resolution approving the final decision of the Planning and Zoning Board, decision No. 2018-05 to allow an adjustment on the property located at **960 West 51 Place, Hialeah, Florida**; Zoning R-1 (One-Family District) and providing for an effective date.

<i>Item was approved by the Planning and Zoning Board on May 9, 2018.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Owner of the Property: Santiago Paulino & Jacqueline Soto, 960 West 51 Place, Hialeah, FL 33012.</i>

NEXT CITY COUNCIL MEETING: Tuesday, June 26, 2018 at 7:00 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, August 28, 2018 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the

hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).